

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,507</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>6/24/2021</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.5em;"><b>2</b></p>	4. GMD:
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve                       N of C Form                       Water Tube                       Driller Copy                       Meter

<p>7a. Applicant(s)                      Person ID <b>37874</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>JOHN &amp; BARBARA LEISZLER</b> <b>417 DEER RD</b> <b>CLIFTON, KS 66937</b></p>	<p>7c. Landowner(s)                      Person ID <b>31875</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>MICHAEL LEISZLER ET AL</b> <b>636 9TH RD</b> <b>CLIFTON, KS 66937-8829</b></p>
<p>7b. Landowner(s)                      Person ID <b>31873</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>JAMES G LEISZLER ET AL</b> <b>636 9TH RD</b> <b>CLIFTON, KS 66937-8829</b></p>	<p>7d. Misc.                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>

<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater                      <input checked="" type="checkbox"/> Surface Water</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input type="checkbox"/> MUN</p> <p style="padding-left: 40px;"><input type="checkbox"/> STK                      <input type="checkbox"/> SED                      <input type="checkbox"/> DOM                      <input type="checkbox"/> CON</p> <p style="padding-left: 40px;"><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR                      <input type="checkbox"/> ART RECHRG</p> <p style="padding-left: 40px;"><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2022                      11. Perfection Date: 12/31/2026                      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **6/16/2021**    By: **KJN**  
Date Entered: 6/29/2021    By: **LMoody**

6/17/2021  
L'Ireland

File No. <b>50,507</b>	15. Formation Code: N/A	Drainage Basin: <b>Republican River</b>	County: <b>WS</b>	Special Use:	Stream: <b>PARSONS CRK (REP RIVER)</b>																																																																																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:55%; vertical-align: top;"> <b>16. Points of Diversion</b>            T            MOD            DEL            ENT            PDIV            Qualifier            S            T            R            ID            'N            'W         </td> <td style="width:45%; vertical-align: top;"> <b>17. Rate and Quantity</b>            Authorized            Additional            Rate            gpm            Quantity            af            Rate            gpm            Quantity            af            Overlap PD Files         </td> </tr> <tr> <td> <b>CHK 88561 SE SE NW 31 4S 2E 1 2863 2795</b> </td> <td> <b>1600 192 1600 192 none</b> </td> </tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>						<b>16. Points of Diversion</b> T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W	<b>17. Rate and Quantity</b> Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files	<b>CHK 88561 SE SE NW 31 4S 2E 1 2863 2795</b>	<b>1600 192 1600 192 none</b>																																																																																
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20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    To be installed by _____    Date Acceptable Meter Installed _____																																																																																									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; vertical-align: top;"> <b>21. Place of Use</b>            T            MOD            DEL            ENT            PUSE            S            T            R            ID         </td> <td colspan="4" style="text-align:center;"><b>NE¼</b></td> <td colspan="4" style="text-align:center;"><b>NW¼</b></td> <td colspan="4" style="text-align:center;"><b>SW¼</b></td> <td colspan="4" style="text-align:center;"><b>SE¼</b></td> <td style="text-align:center;"><b>Total</b></td> <td style="text-align:center;">Owner</td> <td style="text-align:center;">Chg? <b>NO</b></td> <td style="text-align:center;">Overlap Files</td> </tr> <tr> <td> </td> <td style="text-align:center;">NE ¼</td> <td style="text-align:center;">NW ¼</td> <td style="text-align:center;">SW ¼</td> <td style="text-align:center;">SE ¼</td> <td style="text-align:center;">NE ¼</td> <td style="text-align:center;">NW ¼</td> <td style="text-align:center;">SW ¼</td> <td style="text-align:center;">SE ¼</td> <td style="text-align:center;">NE ¼</td> <td style="text-align:center;">NW ¼</td> <td style="text-align:center;">SW ¼</td> <td style="text-align:center;">SE ¼</td> <td style="text-align:center;">NE ¼</td> <td style="text-align:center;">NW ¼</td> <td style="text-align:center;">SW ¼</td> <td style="text-align:center;">SE ¼</td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> <b>CHK 70237 31 4S 2E 1</b> </td> <td> </td><td> </td><td> </td><td> </td> <td style="text-align:center;"><b>40</b></td> <td style="text-align:center;"><b>40</b></td> <td style="text-align:center;"><b>40</b></td> <td style="text-align:center;"><b>40</b></td> <td> </td><td> </td><td> </td><td> </td> <td> </td><td> </td><td> </td><td> </td> <td style="text-align:center;"><b>160</b></td> <td style="text-align:center;"><b>7b, 7c</b></td> <td style="text-align:center;"><b>no</b></td> <td style="text-align:center;"><b>none</b></td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						<b>21. Place of Use</b> T MOD DEL ENT PUSE S T R ID	<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	Owner	Chg? <b>NO</b>	Overlap Files		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					<b>CHK 70237 31 4S 2E 1</b>					<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>									<b>160</b>	<b>7b, 7c</b>	<b>no</b>	<b>none</b>																					
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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files **DATE:** June 8, 2021  
**FROM:** Kris Neuhauser **RE:** New Application,  
File No. 50,507

John Leiszler has filed an application to appropriate surface water for irrigation use, requesting one (1) pump site (Parsons Creek), with a quantity of 192 acre-feet of water per calendar year, at a maximum diversion rate of 1,600 gallons per minute. The proposed pump site is located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 31, more particularly described as being near a point 2,863 feet North and 2,795 feet West of the Southeast corner of said section, in Township 4 South, Range 2 East, Washington County, Kansas, within the Republican River Basin.

There are no other water rights overlapping the proposed point of diversion or place of use. The place of use is owned by James and Michael Leiszler. The applicant has signed the application form stating that he has legal access to the point of diversion. Both landowners have submitted properly signed and notarized Minimum Desirable Streamflow forms.

The place of use is 160 acres in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 31, Township 4 South, Range 2 East, Washington County, Kansas. The proposed quantity of 192 acre-feet per calendar year provides 1.2 acre-feet per acre, making it the maximum reasonable quantity for Washington County (1.2 x 160 acres = 192 acre-feet).

The closest surface water pumpsites are over 1.5 miles downstream, authorized by Water Right, File No. 2,097.

Doug Schemm, former Environmental Scientist, Topeka Field Office, assisted with the application, and identified one upstream landowner and one downstream landowner adjacent to the stream, within  $\frac{1}{2}$  mile of the property lines. The applicant signed off on this map. Notification letters were mailed on May 24, 2021.

Leonard Beikman called in with questions on June 11, 2021. Mr. Beikman owns a domestic well to the south of the proposed pumpsite (owns Southwest Quarter of Section 31) and had concern that if approved, the application could dry up his well. It was explained to Mr. Beikman that this application is designed to pump surface water out of Parsons Creek, rather than drill a well or wells to extract groundwater. He noted that his well has never had issues of impairment in the past. According to the WWC5 database, Mr. Beikman's domestic well looks to be over 2,500 feet away.

In an e-mail conversation on June 14, 2021, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or

his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Per K.A.R 5-3-15, the application will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place

Based on the above discussion, the area is open to new appropriations, and there is no indication that the proposed beneficial use of water will impair existing water rights. Therefore, it is recommended that the referenced application be approved.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kris Neuhauser  
New Apps Lead  
Water Appropriation Program

**From:** Tietsort, Katie [KDA]  
**Sent:** Mon 6/14/2021 1:23 PM  
**To:** Neuhauser, Kris [KDA]  
**Cc:** Bunger, Brett [KDA]  
**Subject:** RE: New App 50507 recommendation request

Hello Kris,

I agree this looks ready to go and appears to meet all the rules and regulations. Proceed.

Thanks for all your work.

## Katie Tietsort

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Friday, June 11, 2021 10:05 AM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** New App 50507 recommendation request

Morning Katie,

Attached is my memo for New App 50507, for you review and recommendation. Surface water diversion out of Parsons Creek in Washington County, Doug assisted with the entire app. The applicant actually called in last month to get a status update, got around to starting it soon after. Looks pretty straightforward, closest surface water rights are over 1.5 miles downstream. Only nearby response was from a guy to the south with a domestic well – I outline the details in my memo.

Let me know if you need any more information on this. Want to make sure I'm not missing anything on surface water apps, as my work is usually far and in between on them.

Thanks!

***Kris Neuhauser***

Environmental Scientist

Water Appropriations Program – Kansas Dept of Agriculture

(785) 564-6643

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,507** of the applicant

**JOHN & BARBARA LEISZLER**  
417 DEER RD  
CLIFTON, KS 66937

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 21, 2021**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE				NW				SW				SE				TOTAL
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31 4S 2E					40	40	40	40									160

3. That the authorized source from which the appropriation shall be made is surface water from Parsons Creek (Republican River), to be diverted at a pumpsite located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 31, more particularly described as being near a point 2,863 feet North and 2,795 feet West of the Southeast corner of said section, in Township 4 South, Range 2 East, Washington County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,600 gallons per minute (3.56 c.f.s.)** and to a quantity not to exceed **192 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.



6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2026** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and ending of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That during the period October 1 through June 30, the verbal or written permission of the Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert each time the applicant desires to divert water.

19. That during the period July 1 through September 30 each calendar year, no direct diversions surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

Ordered this 21 day of June, 2021, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

\_\_\_\_\_  
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 21 day of June, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 1, 2021

JOHN & BARBARA LEISZLER  
417 DEER RD  
CLIFTON, KS 66937

RE: Appropriation of Water, File No. 50,507

Dear Mr. & Mrs. Leiszler:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswateruserreport.org](http://www.kswateruserreport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB: kjn  
Enclosure(s)

pc: Topeka Field Office  
JAMES G LEISZLER ET AL, 636 9TH RD, CLIFTON, KS 66937-8829  
MICHAEL LEISZLER ET AL, 636 9TH RD, CLIFTON, KS 66937-8829

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude

**CERTIFICATE OF SERVICE**

On this 1 day of July, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,507, dated 24 June, 2021, was mailed postage prepaid, first class, US mail to the following:

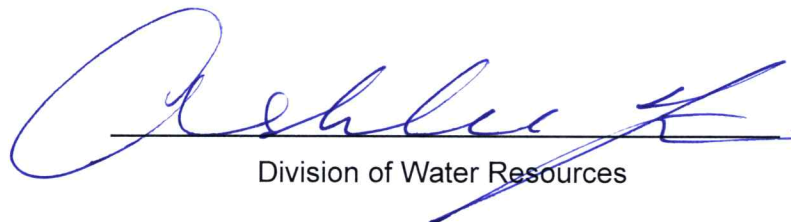
JOHN & BARBARA LEISZLER  
 417 DEER RD  
 CLIFTON, KS 66937

With photocopies to:

JAMES G LEISZLER ET AL  
 636 9TH RD  
 CLIFTON, KS 66937-8829

MICHAEL LEISZLER ET AL  
 636 9TH RD  
 CLIFTON, KS 66937-8829

Topeka Field Office



Division of Water Resources